

**MASSACHUSETTS BAY TRANSPORTATION AUTHORITY
TRANSPORTATION BUILDING
10 PARK PLAZA
BOSTON, MASSACHUSETTS 02116**

FORM FOR BID - FTA Funded Projects

TO THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

The undersigned hereby declares to have carefully examined the annexed form of Contract, Specifications and Plans therein referred to and also the sites upon which the Project Work is to be performed.

The undersigned proposes to furnish all labor, materials, and equipment required for Massachusetts Bay Transportation Authority Contract No. _____, **[Contract Name and location]**, for the Massachusetts Bay Transportation Authority in accordance with the Plans and Specifications prepared by **[Designer Name and location]** for the unit price, lump sum and allowance prices specified in the Schedule of Bid Prices, subject to additions and deductions according to the terms of the Specifications.

Accompanying this Bid Form is a bid deposit in the amount of five (5) percent of the value of the bid which shall become the property of the Massachusetts Bay Transportation Authority if, in case this Bid shall be accepted by said Authority, the undersigned shall fail to comply with the applicable statutes or fail as required hereby to execute the Contract with, and furnish bonds and certificates to, said Authority, within the time provided.

The undersigned also hereby declares that he is the only person interested in this Bid; that it is made without any connection with any other persons making any Bid for the same Work; that no person acting for, or employed by, the Massachusetts Bay Transportation Authority is directly or indirectly interested in this Bid, or in any contract which may be made under it, or in expected profits to arise there from; and it is made without directly or indirectly influencing or attempting to influence any other person or corporation to bid or to refrain from bidding or to influence the bid of any other person or corporation and that this Bid is made in good faith, without collusion or connection with any person bidding for the same work; and that this Bid is made with distinct reference and relation to the Plans and Specifications prepared for this case and herein mentioned. The undersigned declares that in regard to the conditions affecting the work to be done and the labor and materials needed, this Bid is based solely on his own investigation and research and not in reliance upon any plans, surveys, measurements, dimensions, calculations, estimates or representations of any employee, officer, or agent of the Authority.

If the Bidder is a foreign corporation it agrees, in case this Bid is accepted, to comply with the applicable provisions of Massachusetts General Laws, Chapter 181, before the time for execution of the Contract, as hereinafter provided, occurs.

The undersigned proposes and agrees that, if within sixty (60) calendar days after the opening of bids, notice that the Bid has been accepted by the Authority shall be mailed to him at the business address given below, he shall execute the Contract and furnish a Performance Bond and also a Labor and Materials Payment Bond for the full amount of the Contract price, within ten (10) calendar days after the date of the Notice of Award.

The undersigned agrees to commence work within fifteen (15) calendar days from the date of the mailing of the executed Contract to the Contractor (Section 00700 of these Specifications) unless otherwise ordered in writing by the Engineer; and he shall complete the entire Work, fully and acceptably, as stipulated in the General Conditions.

The undersigned covenants that he has not employed or retained any company or person (other than a full time bona fide employee working for the Contractor) to solicit or secure this Contract, and that he has not paid or agreed to pay any company or person (other than such an employee) any gift, fee, contribution, percentage, or brokerage fee contingent upon or resulting from the award of this Contract.

The Contractor warrants, represents and agrees that during the time this Contract is in effect, neither it nor any affiliated company, as hereinafter defined, participates in or cooperates with an international boycott, as defined in Section 999 (b) (3) and (4) of the Internal Revenue Code of 1954, as amended, or engages in conduct declared to be unlawful by Section 2 of Chapter 151E, Massachusetts General Laws. If there shall be a breach in the warranty representation and agreement contained in this paragraph, then without limiting such other rights as it may have, the MBTA shall be entitled to rescind this Contract. As used herein, an affiliated company shall be any business entity of which at least 51 percent of the ownership interests are directly or indirectly owned by the Contractor or by a person or persons or business entity or entities directly or indirectly owning at least 51 percent of the ownership interests of the Contractor, or which directly or indirectly owns at least 51 percent of the ownership interest of the Contractor.

This bid includes **Addendum (s)** numbered

The **Total Estimated Contract Bid Price** based upon the schedule of proposed Unit, Lump Sum and Allowance Bid Price is:

_____ Dollars

Amount in Words

\$ _____
Amount in Figures

USE BLACK INK OR TYPEWRITER IN COMPLETION OF FORM FOR BID AND THE SCHEDULE OF BID PRICES

ENTER TOTAL FROM PAGE NO. XX

ATTACH LETTER OF COMMITMENT FROM PROPOSED SURETY HERE. (THIS SENTENCE TO BE INCLUDED ONLY WHEN CONTRACT IS UNDER \$1,000,000).

SCHEDULE OF BID PRICES

THE SUBDIVISION OF THE TOTAL ESTIMATED CONTRACT BID PRICES IS AS FOLLOWS:

[DESIGNER MUST SUBMIT TO CONTRACT SERVICES A 100% ENGINEER'S ESTIMATE VIA THE MBTA BIDS SYSTEM . AFTER REVIEW/PROCESSING WILL BE GIVEN ENG104 COMPUTER "SCHEDULE OF BIDS" PRINT-OUT TO INCORPORATE INTO THE BIDDING DOCUMENTS.]

“NOTE WELL: THE MBTA STANDARD ITEM LIST AND THE MBTA BIDS SYSTEM ARE AVAILABLE AT OUR WEBSITE:

http://www.mbtacom/business_center/bidding_solicitations/design_and_construction/?id=8612&title=MBTA%20Contract%20Guidlines.

DO NOT CHANGE/REVISE ANY OF THE BID PRICE ITEM NUMBERS OR DESCRIPTIONS. IF A NEW ITEM NUMBER IS REQUIRED AND TO REQUEST PASSWORD INFORMATION, PLEASE, CONTACT CNprocurement@mbta.com.

A BIDDER WILL NOT BE ELIGIBLE FOR AWARD OF A CONTRACT UNDER THIS INVITATION FOR BIDS UNLESS SUCH BIDDER HAS SUBMITTED AS A PART OF ITS BID THE FOLLOWING CERTIFICATION PERTAINING TO INELIGIBLE CONTRACTORS WHICH WILL BE DEEMED A PART OF THE RESULTING CONTRACT.

A. The _____
(Name of Individual or Concern submitting this bid)

hereby certifies that **it is not included** on the U.S. Comptroller General's Consolidated **List of Parties Excluded from Federal Procurement and Nonprocurement Programs** for Violations of Various Public Contracts Incorporating Labor Standards Provisions.

OR

B. The _____
(Name of Individual or Concern submitting this bid)

hereby certifies that **it is included** on the U.S. Comptroller General's Consolidated **List of Parties Excluded from Federal Procurement and Nonprocurement Programs** for Violations of Various Public Contracts Incorporating Labor Standards Provisions.

(Signature of authorized representative of Bidder)

It is a condition of this Contract, and shall be made a condition of each subcontract entered into pursuant to this Contract, that the Contractor and any subcontractor shall not require any laborer or mechanic employed in performance of the Contract to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous to his health or safety, as determined under construction safety and health standards (Title 29, Code of Federal Regulations, Part 1518, published in the Federal Register on April 17, 1971) promulgated by the United States Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act, (83 Stat. 96).

The undersigned hereby certifies that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work.

The bidder hereby certifies he shall comply with the minority manpower ratio and specific action steps contained in the Appendices of the Supplementary Conditions in this Contract. The Contractor receiving the award of the Contract shall be required to obtain from each of its subcontractors and submit to the Contracting or administering agency prior to the performance of any work under said Contract a certification by said subcontractor, regardless of tier, that it will comply with the minority manpower ratio and specific affirmative action steps contained in these Appendices.

THE BIDDER ALSO CERTIFIES AND ASSURES THAT HE WILL MAKE SUFFICIENT REASONABLE EFFORTS TO MEET THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) STATED GOAL ESTABLISHED FOR THIS CONTRACT.

Full name and address of the individual or concern submitting this bid:

Signed: _____

Title: _____

Date: _____

NOTICE: Bid should be signed in ink by a person having proper legal authority, and the person's title should be given, such as "owner" in the case of an individual, "partner" in the case of a general partnership, "president", "treasurer" or other authorized officer in the case of a Corporation.

BIDDERS MUST SET FORTH, ACCURATE AND COMPLETE INFORMATION AS REQUIRED BY THIS SOLICITATION. FAILURE TO DO SO MAY RENDER THE OFFER NONRESPONSIVE OR UNACCEPTABLE.

ATTACH BID DEPOSIT HERE

NOTE: If the Bidder is a corporation, indicate state of incorporation; if a partnership, give full Names and addresses of all partners; if an individual, give residential address if different from business address; and if joint ventures, give names and addresses of all firms of the joint venture.

If a **Corporation**

Incorporated in what State: _____

President: _____

Treasurer: _____

Secretary: _____

If a **Partnership** (Name all Partners):

Name of Partner: _____

Residence: _____

Name of Partner: _____

Residence: _____

If an **Individual**:

Name: _____

Residence: _____

If an **Individual Doing Business Under a Firm Name**:

Name of Firm: _____

Name of Individual: _____

Business Address: _____

Residence: _____

If a **Joint Venture:**

Name of Venture:_____

Business Address:_____

Name of Firm or Corporation:_____

Address:_____

Name of Firm or Corporation:_____

Address:_____

Name of Firm or Corporation:_____

Address:_____

Name of Firm or Corporation:_____

Address:_____

If any of the joint ventures is a corporation a copy of the vote of the corporation authorizing the joint venture should be attached hereto.

The proposed surety on the bond to be given is:

Name:_____

Home office Address:_____

Massachusetts Address (If Different):_____

AFFIDAVIT

State of _____)

ss. : (Date) _____, 20

County _____)

The undersigned being duly sworn, deposes and says that he is the

(sole owner; partner; president, treasurer, or other duly authorized official of a corporation)
of

(Name of bidders as appearing in submitted bid)

for work in _____ on _____ ;
(City / Town) (opening date of bids)

and certifies under penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this paragraph the word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.

Signature and Title of Person making Affidavit

Sworn to before me this

_____ day of _____ 20_____

Notary Public

BUY AMERICA CERTIFICATE

Certification requirement for procurement of steel, iron, or manufactured products

Certificate of Compliance with 49 U.S.C. 5323(j)(1)

The bidder hereby certifies that it will meet the requirements of 49 U.S.C. 5323(j)(1) and the applicable regulations in 49 CFR Part 661.

Date _____

Signature _____

Company Name _____

Title _____

OR

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(1)

The bidder hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(1), but it may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(B) or (j)(2)(D) and the regulations in 49 CFR 661.7.

Date _____

Signature _____

Company Name _____

Title _____

A BIDDER WILL NOT BE ELIGIBLE FOR AWARD OF ANY CONTRACT UNDER THIS INVITATION FOR BIDS UNLESS SUCH BIDDER HAS SUBMITTED AS PART OF ITS BID THE FOLLOWING CERTIFICATION WHICH WILL BE DEEMED A PART OF THE RESULTING CONTRACT.

RIGHT-TO-KNOW LAW

CERTIFICATION

The Bidder hereby certifies that, if awarded this Contract, he will fully comply with the Massachusetts Right-to-Know Law, c. 470 of the Acts of 1983, (the Act.). In addition, he shall:

1. Obtain a Material Safety Data Sheet, (MSDS), for all substances or mixtures of substances which appear on the Massachusetts Substance List that he or any of his subcontractors brings to or uses on the worksite and will keep a copy of that MSDS on the worksite of this Contract.
2. Label each container of a substance or mixture of substances on the Massachusetts Substance List as required in §7 of the Act.
3. Provide the same training and non-technical instruction that he is required to provide under §15 of the Act to all MBTA employees who are exposed to the substance or to the mixture of substances. Training shall include instruction on the nature and effects of any substance or mixture of substances listed on the Massachusetts Substance List which the Bidder or any of his subcontractors brings to or uses on the worksite.
4. Provide to MBTA employees on the worksite the same protective equipment that the Bidder or any of his subcontractors provides to his employees.

Signature of Authorized Representative of Bidder

Name and Address of Bidder

CERTIFICATION OF DUMPING FACILITIES

I, _____
certify that I have adequate dumping facilities available at;

and that these facilities will be used in connection with work undertaken on this Contract and that such

use will be in a manner compliant with State and Local requirements.

Signature of Authorized Representative Bidder

Name and Address of Bidder:

Date

**CERTIFICATION OF EXAMINATION
OF
AVAILABLE SUBSURFACE DATA**

Bidder certifies that it has either examined (yes) or not examined (no) the available Subsurface Conditions Data listed in Article X.XX of the Instruction to Bidders as follows:

A. GEOTECHNICAL

1. Title of Report, name of Project, Report Date(s).

Yes ____ No ____

B. ENVIRONMENTAL

1. Title of Report, name of Project, Report Date(s).

Yes ____ No ____

Signature of Authorized Representative of Bidder

Name of Firm or Corporation

Business Address

Date

**CERTIFICATION REGARDING DEBARMENT. SUSPENSION
INELIGIBILITY AND VOLUNTARY EXCLUSION**

The Primary Participant (potential contractor for a major third party contract) certifies to the best of its knowledge and belief, that it, and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal, State or local department or agency.
2. Have not within a three-year period preceding this bid been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph, (2) of this certification; and
4. Have not within a three-year period preceding this bid had one or more public transactions (Federal, State or local) terminated for cause of default.

If the Primary Participant (potential contractor for a major third party contract) is unable to certify to any of the statements in this certification with respect to it or its principals, the Bidder shall attach an explanation to this certification).

THE PRIMARY PARTICIPANT (POTENTIAL CONTRACTOR FOR A MAJOR THIRD PARTY CONTRACT) CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

Primary Participant: _____
Signature

Title of Authorized Official

The undersigned chief legal counsel for the _____ hereby certifies

that _____ has authority under State and local law to comply with the
(Authorized Official)

subject assurances and that the certification above has been legally made.

Signature of Applicant's Attorney

Date

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION
INELIGIBILITY AND VOLUNTARY EXCLUSION**

Primary Covered Transactions

1. By signing and submitting this Proposal the prospective participant is providing the certification in accordance with 49 CFR Part 29.
2. The inability of a person to provide the certification will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of this prospective primary participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.
3. The certification is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this agreement.
6. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lowered tier covered transactions.
7. Except for transactions authorized under paragraph (5) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION
INELIGIBILITY AND VOLUNTARY EXCLUSION**

The Lower Tier Participant (potential third party contractor or potential subcontractor under a third party contract) certifies by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or Voluntarily excluded from covered transactions by any Federal, State or local department or agency.

If the Lower Tier Participant (potential third party contractor or potential subcontractor under a third party contract) is unable to certify to any of the statements in this certification, such Participant shall attach an explanation to this Proposal.

THE LOWER TIER PARTICIPANT (POTENTIAL THIRD PARTY CONTRACTOR OR POTENTIAL SUBCONTRACTOR UNDER A THIRD PARTY CONTRACT) CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

Lower Tier Participant _____
(Signature)

(Title)

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION
INELIGIBILITY AND VOLUNTARY EXCLUSION**

"INSTRUCTIONS FOR CERTIFICATION"

Lower Tier Covered Transactions

1. By signing and submitting this proposal the prospective lower tier participant is providing the certification in accordance with 49 CFR Part 29.
2. This certification is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.
4. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
5. The prospective lower tier participation further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
6. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the Nonprocurement List.
7. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
8. Except for transactions authorized under paragraph (4) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this

transaction originated may pursue available remedies, including suspension and/or debarment.

CERTIFICATION OF RESTRICTIONS ON LOBBYING

No Federal appropriated funds have been paid, or will be paid, by or on behalf of the undersigned, to any person for the influencing or the attempting to influence an officer or employee of any agency, Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant the making of any Federal loan, the entering of any cooperative agreement and the extension, continuation, renewal, Amendment, or modification of any cooperative of any Federal contract, grant, loan or agreement.

THE PRIMARY PARTICIPANT (POTENTIAL CONTRACTOR FOR A MAJOR THIRD PARTY CONTRACT) CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

Primary participant: _____
Signature

Title of Authorized Official

The undersigned chief legal counsel for the _____ hereby certifies

that _____ has authority under State and local law to
comply with
(Authorized Official)

the subject assurances and that the certification above has been legally made.

Signature of Applicant's Attorney

Date

**CERTIFICATION OF CONSTRUCTION EQUIPMENT STANDARD
COMPLIANCE**

I, _____
Hereby certify that all diesel construction equipment used in this contract has emission control devices installed, such as oxidation catalysts or particulate filters on the exhaust system side of the diesel combustion engine equipment.

Signature of Authorized Representative/Bidder

Name and Address of Bidder

Date

Form A

DOCUMENT 020

SCHEDULE OF PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES (DBES)

CONTRACTOR / CONSULTANT:

DATE OF BID/PROPOSAL OPENING: _____ CONTRACT NO.: _____

PROJECT LOCATION: _____

Name, Address, and Phone Number(s) of DBE	Name of Activity	(a) DBE Contractor Activity Amount	(b) NAICS CODE(S)	(c) Total amount eligible for credit under rules in Supplementary Conditions, Appendix 3
Total Bid Amount	TOTALS:	\$		\$
\$	DBE Percentage of Total Bid:	%		%

Is the MBTA Joint Check Approval (Document 030) being submitted for any of the above? ☐ Yes ☐ No

☐ Not Known at This Time

Will any of the contractors listed above be using a third party (i.e. manufacturer) to deliver materials or perform any portion of work by a third party?

☐ Yes ☐ No

CERTIFICATION: I HEREBY DECLARE, TO THE BEST OF MY KNOWLEDGE, THAT **I HAVE READ APPENDIX 3 - DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION PROVISIONS.** BOTH THIS SCHEDULE AND THE RELEVANT AND ACCOMPANYING LETTER(S) OF INTENT ARE IN FULL COMPLIANCE WITH THE PROVISIONS OF, AND IN ACCORDANCE WITH, TITLE 49 CODE OF FEDERAL REGULATIONS, PART 26 (49 CFR Part 26).

SIGNATURE: _____ DATE _____

CONTRACT NO.
YEAR

BID FORMS AND SUPPLEMENTS
00410 - 22

MBTA
REV 10/22

NAME AND TITLE (*PRINT*):_____

EMAIL ADDRESS:_____TEL NO.:_____

CONTRACT NO.
YEAR

BID FORMS AND SUPPLEMENTS
00410 - 24

MBTA
REV 10/22

. Form B

DOCUMENT No. 010

**DISADVANTAGED BUSINESS ENTERPRISE (DBE)
PARTICIPATION LETTER OF INTENT
(To be completed by the DBE -
Page 1 of 2)**

TO: _____ (Bidder/Proposer)

FROM: _____ (DBE Firm)

RE: CONTRACT NO.: _____
PROJECT NAME: _____

PROJECT LOCATION: _____

DATE OF BID/PROPOSAL OPENING OR DUE DATE: _____

**I, _____, authorized signatory of the above-referenced DBE firm
hereby declare:**

Print Name

1. My company is currently certified as a Disadvantaged Business Enterprise (DBE) by the Massachusetts Unified Certification Program ("MassUCP"), as a (check all that apply):
☐ CONTRACTOR ☐ REGULAR DEALER ☐ BROKER
☐ MANUFACTURER ☐ TRUCKING OPERATIONS ☐ PROFESSIONAL SERVICES

[Additional guidance is available at Title 49, Code of Federal Regulations, Part 26.55 (49 CFR Part 26.55)]
2. My firm has the ability to manage, supervise and perform the activity described on page 2 of this Letter of Intent. If you are awarded the contract, my company intends to enter into a contract with your firm to perform the items of work or other activity described on the following sheet for the prices indicated.
3. There have been no changes affecting the ownership, control or independence of my company since my last certification review on _____, 20____. If any such change is planned or occurs prior to my company's completion of this proposed work, I will give prior written notification to your firm and to the Massachusetts Bay Transportation Authority (MBTA) Office of Diversity and Civil Rights and MassUCP.
4. I have read the MBTA proposal for the Project, and acknowledge that my company will comply with that document and the requirements of 49 CFR Part 26.
5. For the purpose of obtaining subcontractor approval from the MBTA, my firm will provide to you:
 - A. **The following construction work:**
 - (i) a complete list of contact information for proposed Superintendent, i.e., address, phone number and e-mail address, and;
 - (ii) a list of projects completed in the last 10 years. I shall also include, for each project: the name and telephone number of a contact person for the contracting authority, person, or organization; project title/location (City/State), dollar value of the work; a description of the work; and the date project completed.
 - B. **The following professional services work:**
 - (i) resume, stating the qualifications and experience of person responsible for project oversight and contact information, i.e., address, phone number and e-mail address.
 - (ii) proposed team and organization,
 - (iii) resumes of key personnel;
 - (iv) example projects
 - C.. **The following services, materials or supplies:**
 - (i) a written agreement and invoices for the materials or supplies, and any other documents evidencing the terms of providing such items to be sent to the Office of Diversity and Civil

CONTRACT NO.
YEAR

BID FORMS AND SUPPLEMENTS
00410 - 25

MBTA
REV 10/22

- (ii) Rights Government Compliance Unit designee;
information concerning brokers fees and commissions for providing services or materials.

DBE Company Authorized Signature

Date_____

DOCUMENT No. 010

DISADVANTAGED BUSINESS ENTERPRISES (DBE)
PARTICIPATION LETTER OF INTENT
(To be completed by the DBE -
Page 2 of 2)

DATE OF BID / PROPOSAL OPENING OR DUE DATE: _____

CONTRACT NUMBER: _____

PROJECT NAME: _____

PROJECT LOCATION: _____

CONTRACTOR / CONSULTANT: _____

DBE COMPANY NAME: _____

<u>Item number</u> if applicable	<u>NAICS</u> <u>Code</u>	<u>Description of Activity</u> with notations such as Services, or Brokerage, Labor Only, Material Only, or Complete	<u>Quantity</u>	<u>Unit Price</u>	<u>Amount</u>
TOTAL AMOUNT:					

Please give full explanations, attach additional sheets if necessary.

I HEREBY VERIFY THAT _____ WILL SOLELY
(DBE company name)
PERFORM THE WORK, OR PROVIDE THE SERVICES OR MATERIALS, AS DESCRIBED
ABOVE.

DBE AUTHORIZED SIGNATURE: _____

NAME AND TITLE (PRINT): _____

TELEPHONE NUMBER: _____ FAX NUMBER: _____

EMAIL ADDRESS: _____

DOCUMENT No. 031
JOINT VENTURE
AFFIDAVIT
(All Firms)

- All Information Requested By This Schedule Must Be Answered. Additional Sheets May Be Attached.
- If, there is any change in the information submitted, the Joint Venture parties must inform the MBTA Capital Delivery Contract Administration Department, Attn: Senior Manager Construction Procurement (and, if one of the companies is a DBE, the Assistant Director of Government Compliance, Office of Civil Rights) *prior* to such change, in writing, either directly or through the Contractor / Consultant if the Joint Venture is a subcontractor.
- If the Joint Venture Entity will be the bidder on a Contract, it must bid and submit all required documents (insurance, worker's compensation, bonds, etc.) in the name of the Joint Venture Entity.

I. Name of Joint Venture: _____

Type of Entity if applicable (Corp., LLC): _____ Filing State _____

Address of Joint Venture: _____

Phone No(s) for JV Entity: _____ E-mail: _____

Contact Person(s) _____

Tax ID/EIN of Joint Venture: _____ Vendor Code: _____

II. Identify each firm or party to the Joint Venture:

Name of Firm: _____

Address: _____

Phone: _____ E-mail: _____

Contact person(s) _____

Name of Firm: _____

Address: _____

Phone: _____ E-mail: _____

Contact Person(s) _____

III. Describe the role(s) of the each party to the Joint Venture:

IV. Attach a copy of the Joint Venture Agreement. The proposed Joint Venture Agreement should include specific details including, but not limited to: (1) the contributions of capital and equipment; (2) work items to be performed by each company's forces, (3) work items to be performed under the supervision of any DBE Venturer; (4) the commitment of management, supervisory and operative personnel employed by the DBE to be dedicated to the performance of the Project; and (5) warranty, guaranty, and indemnification clauses.

V. Attach any applicable Corporate or LLC Votes, Authorizations, etc

VI. Ownership of the Joint Venture

A. What is the percentage(s) of each company's ownership in the Joint Venture?

ownership percentage(s): _____

ownership percentage(s): _____

B. Specify percentages for each of the following (provide narrative descriptions and other detail as applicable):

1. Sharing of profit and loss: _____

2. Capital contributions:

(a) Dollar amounts of initial contribution: _____

(b) Dollar amounts of anticipated on-going contributions: _____

(c) Contributions of equipment (specify types, quality and quantities of equipment to be provided by each firm): _____

3. Other applicable ownership interests, including ownership options or other agreements, which restrict or limit ownership and/or control:

4. Provide copies of all other written agreements between firms concerning bidding and operation of this Project or projects or contracts.

5. Identify all current contracts and contracts completed during the past two (2) years by either of the Joint Venture partners to this Joint Venture:

VII. Control of and Participation in the Joint Venture. Identify by name and firm those individuals who are, or will be, responsible for and have the authority to engage in the following management functions and policy decisions. (Indicate any limitations to their authority such as dollar limits and co-signatory requirements.):

A. Joint Venture check signing:

B. Authority to enter Contracts on behalf of the Joint Venture:

C. Signing, co-signing and/or collateralizing loans:

D. Acquisition of lines of credit:

E. Acquisition and indemnification of payment and performance bonds:

F. Negotiating and signing labor agreements:

G. Management of contract performance. *(Identify by name and firm only):*

1. Supervision of field operations: _____
2. Major purchases: _____
3. Estimating: _____
4. Engineering: _____

VIII. Financial Controls of Joint Venture:

A. Which firm and/or individual will be responsible for keeping the books of account?

B. Identify the "Managing Partner," if any, and describe the means and

measure of their compensation:

- C. What authority does each firm have to commit or obligate the other to insurance and bonding companies, financing institutions, suppliers, subcontractors, and/or other parties participating in the performance of this Contract or the work of this Project?

IX. Personnel of Joint Venture: State the approximate number of personnel (by trade) needed to perform the Joint Venture's work under this Contract. Indicate whether they will be employees of the majority firm, DBE firm, or the Joint Venture.

	Firm 1 (numb	Firm 2 (numb	Joint Venture
Trade			
Professional			
Administrative/			
Unskilled Labor			

Will any personnel proposed for this Project be employees of the Joint Venture?:

If so, who: _____

A. Are any proposed Joint Venture employees currently employed by either firm?

Employed by Firm 1:_____Employed by firm 2 _____

B. Identify by name and firm the individual who will be responsible for Joint Venture hiring: _____

X. Additional Information. Please state any material facts and additional information pertinent to the control and structure of this Joint Venture.

XI. AFFIDAVIT OF JOINT VENTURE PARTIES. The undersigned affirm that the foregoing statements and attached documents are correct and include all material information necessary to identify and explain the terms and operations of our Joint Venture and the intended participation of each firm in the undertaking. Further, the undersigned covenant and agree to provide to the MBTA current, complete and accurate information regarding actual Joint Venture work, payments, and any proposed changes to any provisions of the Joint Venture, or the nature, character of each party to the Joint Venture. We understand that any material misrepresentation will be grounds for terminating any Contract awarded and for initiating action under Federal or State laws concerning false statements.

Firm 1

Firm 2

Signature
Duly Authorized

Signature
Duly Authorized

Printed Name and Title

Printed Name and Title

Date

Date

Form D

DOCUMENT 030

DBE JOINT CHECK ARRANGEMENT APPROVAL FORM *(to be submitted by Contractor / Consultant)*

Contract No.: _____ **Project No.:** _____

Location: _____ **Bid Opening Date:** _____

Project Description: _____

We have received the attached request for the use of a joint check arrangement from _____, a DBE on the above- referenced Contract and _____, a Material Supplier/Vendor for the subject Contract.

The DBE has complied with the requirements of Joint Venture Affidavit Document 029. In particular, the DBE has:

- a written agreement with the material supplier/vendor;
- applied for credit with the subject material supplier and has supplied the vendor's response;
- shown that it will place all orders to the subject material supplier/vendor;
- made and retains all decision-making responsibilities concerning the materials; and
- provided a Joint Check Agreement that is acceptable to the MBTA;

As the Contractor / Consultant for the Project, we agree to issue joint checks (made payable to the Material Supplier/Vendor and the DBE) for payment of sums due pursuant to invoices from the Supplier/Vendor and DBE.

Contractor / Consultant:

Company Name

Signature
Duly Authorized

Printed Name

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Date

Title

SubContractor:

Company Name

Signature
Duly Authorized

Printed Name

Date

Title

CERTIFICATION OF UNDOCUMENTED WORKERS

Contractor Legal Name: _____

INSTRUCTIONS:

Executive Order 481 applies to all state agencies in the Executive Branch, including all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established. As it is the policy of the Executive Branch to prohibit the use of undocumented workers in the connection with the performance of state and federal contracts, all contracts entered after February 23, 2007 require that consultants, contractors and vendors, as a condition of receiving Commonwealth funds under any Executive Branch contract, make the following certification:

As evidence by the signature of the Authorized Signatory below, the Contractor certifies that under the pains and penalties of perjury that the Contractor shall not knowingly use undocumented workers in the connection with the performance of all Executive Branch contracts; that pursuant to federal requirements, the Contractor, shall verify the immigration status of all workers assigned to such contract without engaging in unlawful discrimination; and that the Contractor shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker(s). The Contractor understands and agrees that breach of any of these terms during the period of each contract may be regarded as a material breach, subjecting the Contractor to sanctions, including but not limited to monetary penalties, withholding of payments, contract suspension or termination.

Authorized Signature Date: _____

Print Name

Title: _____ Telephone: _____

Fax: _____ Email: _____

The Contractor is required to sign this Certification only and may provide a copy of the signed Certification for any contract executed with Executive Branch

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Department. A copy of this signed Certification must be attached to the “record copy” of all contracts with Contractors with the Contracting Department.

M.G.L. Chapter 30, Section 39S- Certification of Work in Harmony and OSHA Training

By signing this and submitting this bid or proposal, the prospective participant is providing the signed certification set out below.

The undersigned certifies, under penalties of perjury, as required by M.G.L. Chapter 30, Section 39S:

That the contractor is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed in the work; (2) that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee; and (3) that all employees to be employed in the work subject to this bid have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration.

Additionally, the contractor shall comply with provisions set forth in Chapter 30 Section 39S and referenced in Specification 07000 - General Conditions, Section 5.15.K.2. Please note that this certification must be passed on to any and all contracts and subcontracts between the General Contractor and other parties.

Authorized Bidder Signature

Date

Title of Signee

Name and Address of Bidder

Contractor Certification
MBTA Retiree Participation Disclosure

In accordance with the MBTA Hiring of MBTA Retirees Policy, Section 3.3 dated June 5, 2009, THE CONTRACTOR IS REQUIRED TO NOTIFY THE MBTA THAT A MBTA RETIREE HAS BEEN INCLUDED AS A MEMBER OF ITS TEAM.

Every contractor is required to notify the MBTA as part of the bidding process that a MBTA retiree will be included as a member of its team. The contractor shall be required to provide the name and date of retirement for each MBTA retiree on the team. Every MBTA retiree working for the MBTA under this condition shall do so in accordance with MGL, Chapter 268A, Section 5.

The Contractor certifies that the following MBTA Retirees are assigned to the team for this contract. Use additional pages as necessary.

Project Name: _____

<u>Firm Name</u>	<u>Retiree Name</u>	<u>MBTA Retirement Date</u>
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Name of Authorized Bidder

Title of Authorized Bidder

Firm

Date

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY**BIDDERS CHECKLIST FOR INFORMATION ONLY**

MBTA Contract No. and Title:

This checklist is provided to assist Bidders in determining that required signatures and submittals are included along with the Bid Proposal.

	ITEM	REFERENC E PAGE Section 00410	ACTION REQUIRED
1	Addenda acknowledged	4	Acknowledge all addenda issued
2	Letter of Commitment furnished from proposed surety	4	Attach letter
3	Certification pertaining to ineligible contractors completed	6	Bidder's authorized signature
4	Right-To-Know Law Certification	12	Bidder's authorized signature
5	Certification of Dumping Facilities completed	13	Data and Bidder's authorized signature
6	Certification of Examination of Available Subsurface Data completed	13	Completed and Bidder's authorized signature
7	Bid signature(s) including EEO certification and DBE assurance	7	Bidder's authorized signature
8	Bidder's data including joint venture authorization	8 and 9	Furnish data
9	Required proposal guarantee (bid deposit furnished)	7	Attach amount as indicated
10	Affidavit of non-collusion Completed	10	Bidder's authorized signature (notarized)
11	Forms for participation by DBE Completed	20 through Error: Reference source not found	Furnish information and authorized signatures
12	DBE's Affidavit and most recent certification	Error: Reference source not found	Completed Affidavit and attach DBE certification
13	Buy America Certificate Completed	11	Data and Bidder's authorized signature
14	Certification relating to Debarment, Suspension, ineligibility, and Voluntary exclusion	15 through 18	Bidder's authorized signature
15	Certification of restrictions on lobbying	20	Bidder's authorized signature
16	Certification of Undocumented Workers	24	Bidder's authorized signature
17	Certification of Construction Equipment Standard Compliance	21	Bidder's authorized signature
18	M.G.L. Chapter 30, Section 39S - Certification of Work in Harmony and OSHA Training	25	Bidder's authorized signature

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19	MBTA Retiree Participation Disclosure	26	Bidder's authorized signature
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NOTE:

Disadvantaged Business Enterprise
(DBE) stated goal is XX%.

NA = Not Applicable

Minority Manpower Utilization
(MMU) percent is 15.3%

Female Construction Workforce: 6.9% per trade